

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RICHARD CONVERSE
STEPHANIE CONVERSE,

Plaintiff,

-against-

STATE FARM FIRE AND CASUALTY
COMPANY,

Defendants.

Civil Action No.

5:21-cv-457 (TJM/ATB)

**DECLARATION OF
STEPHANIE CONVERSE**

I, Stephanie Converse, Plaintiff in the above action declare under penalty of perjury:

1. I am the Plaintiff in the above action and I make this Declaration in support of Plaintiff's motion for partial summary judgment on my first-hand knowledge, experience and observations.
2. As of December 8, 2019 I owned the Real Property, located at 442 Flower Avenue East, Watertown, New York 13601 (hereinafter the "Property"), equally with my brother, Co-Plaintiff, Richard Converse, as "joint tenants with right of survivorship." Exhibit 1.
3. On December 8, 2019, there was a fire at the Property, which rendered the property uninhabitable.
4. Neither I nor my brother resided in the Property, but it was rented out to tenants as an investment.
5. As of December 8, 2019, I was the named insured under an insurance policy for the Property with Defendant State Farm, as set forth in the Policy Declarations page. Exhibit 2.

6. I received a letter, dated October 7, 2020 from Defendant denying my claim. (Exhibit 6).

7. I am, by this Declaration, disputing the allegations made by Defendant that I breached the terms of the policy; specifically, I have not “intentionally concealed or misrepresented any material fact or circumstance” or “engaged in fraudulent conduct,” regarding the Policy with Defendant.

8. I did not commit arson on my Property and I did not pay anyone to commit arson on my Property.

9. By all accounts, the fire was started when one of the tenants in the Property unintentionally deposited a cigarette or cigarette ash into trash in the basement of the Property. I have no reason to doubt the reported cause of the fire.

10. Concerning the letter to Joe Pelton (Exhibit 11), I have given multiple statements, under oath, to law enforcement personnel, and to Defendant, and despite the writing in the letter, I never wanted to commit fraud against Defendants by intentionally burning down the Property or hiring someone to do the same.

11. I did not intend to defraud Defendant with any statement that I made about the fire, the letter (Exhibit 11), or any other fact relative to my claim.

12. I honestly and truthfully filed and pursued a claim for loss from Defendant under the Policy because the unintentional fire on my Property is a covered loss under the Policy.

WHEREFORE, Plaintiffs respectfully request an Order of this Court dismissing the First, Second, Third, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Affirmative Defenses alleged in Defendants

Answer together with the costs and disbursements of this motion and any such other and further relief as to this Court seems just and proper.

/s Stephanie Converse